

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

VICKY FRAZIER,

Plaintiff,

vs.

UNIVERSAL PRINTING CO., ET. AL.,

Defendants.

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Case No. 4:07CV909SNL

MEMORANDUM AND ORDER

Pro se plaintiff has filed this Title VII action alleging that she and other women were denied time off following hand surgery, but a fellow male employee was granted thirty (30) days time off following similar hand surgery. This matter is before the Court on defendant Robert Ebel, Jr.'s motion to dismiss (#10), filed July 2, 2007. As of today's date, plaintiff has failed to file a response.

Defendant Ebel contends that he is not subject to suit because individual supervisors and/or co-employees are not considered "employers" as that term is defined under Title VII; thus, supervisors and/or co-employees may not be held individually liable under Title VII.


Upon careful review of the defendant's motion and memorandum of law in support, the plaintiff's complaint, and relevant caselaw, the Court concurs and will grant the instant motion. It is unclear from plaintiff's complaint whether she is suing defendant Ebel as her supervisor or as a co-employee. However, the Eighth Circuit has consistently held that supervisors and/or co-employees are not subject to individual liability under Title VII. *See, Roark v. City of Hazen, Arkansas*, 189 F.3d. 758, 761 (8th Cir. 1999)(supervisor may not be held liable under Title VII); *Bonomolo-Hagen v. Clay Central-Everyly Community School Dist.*, 121 F.3d. 446, 447 (8th Cir.

1997); Spencer v. Ripley County State Bank, 123 F.3d. 690-91 (8th Cir. 1997); Rector v. State Farm Mutual Ins. Co., 392 F.Supp.2d. 1069, 1072 (W.D.Mo. 2005)(citing Bonomolo-Hagen, supra. and Spencer, supra.); Lenhardt v. Basic Institute of Technology, 55 F.3d. 377, 380 (8th Cir. 1995)(co-workers not subject to individual liability under Title VII). As it appears that defendant Universal Printing Co. is the plaintiff's employer, not defendant Ebel, defendant Ebel is not subject to suit under Title VII.

Accordingly,

IT IS HEREBY ORDERED that defendant Ebel's motion to dismiss (#10) be and is **GRANTED**. Defendant Ebel is hereby **DISMISSED WITH PREJUDICE** from the entirety of this lawsuit.

Dated this 17th day of September, 2007.



SENIOR UNITED STATES DISTRICT JUDGE